

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 In re: AMAZON WAGE CLAIM
11 LITIGATION

12 CASE NO. C16-1554-JCC
13 CASE NO. C19-1320-JCC
14 CASE NO. C23-0161-JCC
15 CASE NO. C23-0178-JCC

16 ORDER

17 This matter comes before the Court on the parties' responses to the Court's order to show
18 cause why these matters should not be consolidated for further proceedings. *See Rittmann, et al.*
19 *v. Amazon.com Inc., et al.*, C16-1554-JCC, Dkt. No. 282 (W.D. Wash. 2016); *Waithaka v.*
20 *Amazon.com Inc., et. al.*, C19-1320-JCC, Dkt. No. 155 (W.D. Wash. 2019); *Marcelo, et al. v.*
21 *Amazon.com Inc., et. al.*, C23-0161-JCC, Dkt. No. 55 (W.D. Wash. 2023); *Sitaca, et al. v.*
22 *Amazon.com Inc., et al.*, C23-0178-JCC, Dkt. No. 38 (W.D. Wash. 2023). Based on the
reasoning provided in the *Rittman* Plaintiffs' response (Dkt. No. 283), which the Court
incorporates as its own, the Court will not further consolidate these matters.

23 Given the chronology of the *Marcelo* and *Sitaca* actions, and the similarity of their
24 parties and issues with *Rittman*, the Court **STAYS Marcelo, C23-0161-JCC, and Sitaca, C23-**
0178-JCC, pending a final ruling on the merits in Rittman, C16-1554-JCC. This is consistent
25 with the first to file rule, as well as this Court's inherent authority to control cases on its docket.

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1 See *T-Mobile N.E., LLC v. Sel. Ins. Co. of Am.*, 2018 WL 3417110, slip op. at 2–4 (W.D. Wash.
 2 2018) (citing *Cedars-Sinai Med. Ctr. v. Shalala*, 125 F.3d 765, 769 (9th Cir. 1997)); *see also*
 3 *Kohn Law Grp., Inc. v. Auto Parts Mfg. Miss., Inc.*, 787 F.3d 1237, 1239 (9th Cir. 2015)
 4 (articulating factors in applying the first to file rule). Doing so will eliminate the risk of
 5 inconsistent rulings between each case and avoid duplicative putative class action litigation
 6 involving the same parties and claims. Moreover, the possibility of prejudice to the *Marcelo* and
 7 *Sitaca* plaintiffs is low. If *Rittman* is certified, they may elect to participate as members in
 8 *Rittman*. And if not, at a minimum, many of the legal determinations made in *Rittman* would
 9 apply with equal force to *Marcelo* and *Sitaca*.

10 In contrast, *Waithaka* is not appropriate for consolidation based on its case development
 11 and the dissimilar claims to that of *Rittman*. However, given the current pendency of rulings
 12 from the Ninth Circuit in *Carmona v. Domino's Pizza LLC*, No. 21-55009 (9th Cir.), and *Miller*
 13 v. *Amazon.com, Inc.*, No. 21-36048 (9th Cir.), **the Court EXTENDS the stay in *Waithaka*,**
 14 **C19-1320-JCC, and again STAYS *Rittman*, C16-1554-JCC, pending the Ninth Circuit's**
 15 **mandate in *Carmona* or *Miller*, whichever is issued later.** This stay applies to all putative
 16 plaintiffs in both *Rittman* and *Waithaka*, including non-arbitration opt-in plaintiffs. While the
 17 Court appreciates the impact of this ruling on those plaintiffs, it must balance this with
 18 considerations of judicial efficiency and the need for consistent rulings for all plaintiffs on shared
 19 issues. This would be difficult to accomplish were the Court to allow *Rittman* to proceed for the
 20 non-arbitration plaintiffs but not for the plaintiffs potentially impacted by potential Ninth Circuit
 21 rulings in *Carmona* and/or *Miller*. Moreover, the Court notes that *Rittman* was filed many years
 22 ago. At this point, a short delay would not materially prejudice any of its plaintiffs.

23 **The parties in *Waithaka*, C19-1320-JCC, and *Rittman*, C16-1554-JCC, are hereby**
 24 **ORDERED, within fourteen (14) days of the later-filed Ninth Circuit mandate in *Carmona***
 25 **or *Miller*, to provide the Court with a joint status report containing proposed case**
 26 **management schedules for their respective cases through class certification, with due**

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1 consideration given to possible renewed motions from Defendants in each case to compel
2 arbitration and/or to dismiss and Plaintiffs' motions in each case for class certification. If the
3 parties are unable to agree on a schedule, they may provide the Court with individual proposals,
4 but must do so within a single joint status report for each case.

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6 DATED this 9th day of June 2023.

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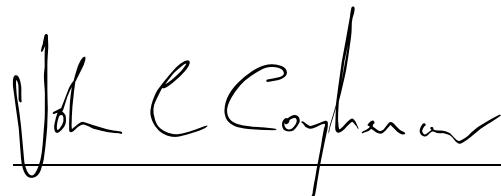
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John C. Coughenour
UNITED STATES DISTRICT JUDGE

ORDER

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